

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DANIEL PEOPLES, JR., :

Plaintiff,

Case No. 3:11-cv-127

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

VEOLIA WATER NORTH AMERICAN
OPERATING SERVICES, LLC, et al.,

Defendants. :

REPORT AND RECOMMENDATIONS

On April 27, 2012, the undersigned reinstated the bankruptcy stay in this case and withdrew the portion of the then-pending Report and Recommendations which recommended dismissing Plaintiff's claims on the basis that they had been compromised and settled, based on Plaintiff's appeal of Bankruptcy Judge Walters' approval of the settlement (Doc. No. 39). On January 4, 2013, the Bankruptcy Appellate Panel affirmed Judge Walter's decision. *In re: Daniel Peoples*, Case No. 12-8017.

It is accordingly again recommended that this action be dismissed with prejudice as compromised and settled.

January 4, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).